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In re Application of:	:	
Roy S. Krupp	:	DECISION ON REQUEST
Application No. 09/920,427	:	
Filed: August 01, 2001	:	
Attorney Docket No.: 012720-27	:	

This is a response to the communication filed, via facsimile transmission, on January 28, 2003, and supplemented, via facsimile transmission on January 29, 2003. The communications are being treated as a request to accept the response filed, via facsimile transmission, on November 18, 2002, as timely. No fee is required.

The petition is **granted**.

The application was held abandoned for failure to respond to the Office action mailed on July 17, 2002.

The requester asserts that on Monday, November 18, 2002, a response to the Office action of July 17, 2002, was transmitted to the United States Patent and Trademark Office (PTO), via facsimile transmission. To support this assertion, the requester has provided a copy of the response to the Office action that includes a proper Certificate of Facsimile Transmission under 37 C.F.R. § 1.8, a successful transmission report dated November 18, 2002 and a statement from the attorney, Matthew W. Witsil, that attests on a personal knowledge basis, that the above identified response was facsimile transmitted to the PTO on November 18, 2002.

A review of the application file record reveals that the above-identified response is not of record in the application file and cannot be located. However, 37 C.F.R. § 1.8(b) provides for accepting a correspondence as being timely filed if it was mailed or transmitted in accordance with 37 C.F.R. § 1.8(a).

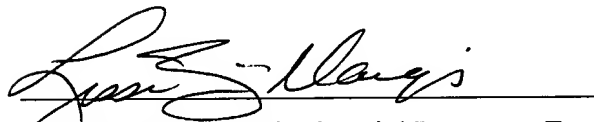
The request meets the conditions of 37 C.F.R. § 1.8(b) to establish the previous timely filing of the response. The application is not abandoned in fact.

In view of the above, the application is not abandoned in fact and the holding of abandonment is withdrawn. The application is restored to pending status.

The copy of the amendment submitted with the request of January 28, 2003, is accepted since the response originally submitted was apparently lost.

The application file is being forwarded to the Technology Center 2800 support staff for entry of the response. From there, the application will be forwarded to the examiner for appropriate action.

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (703) 308-2260.



Lissi Mojica Marquis, Special Programs Examiner
Technology Center 2800
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